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## Division of Registration

### *Patient Counseling Initiative*

An investigation of pharmacy compliance with the  
Massachusetts Board of Registration in Pharmacy's  
mandated offer to counsel requirements.

February 9, 1999

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The Division of Registration, an agency within the Office of Consumer Affairs and Business Regulation, is an advocate for consumer rights. Our mission is to protect the public health, safety and welfare by issuing licenses to qualified individuals who provide services to consumers, and through the fair and consistent enforcement of the statutes and regulations of the boards of registration.

The Board of Registration in Pharmacy is one of 33 professional licensing boards within the Division of Registration.

The following report is issued as part of the agency's charge to educate consumers in Massachusetts.

GOVERNMENT DOCUMENTS  
COLLECTION  
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Division of Registration  
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## Report Summary

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Pharmacy Board regulations at 247 CMR section 9.07 require that a pharmacist or designee make an offer to counsel the patient regarding the use of a prescribed drug, its known side effects, and interactions with other prescribed medications or over-the-counter remedies. Pharmacy Board regulations further require that an 11" x 14" sign declaring the offer to counsel be posted in a conspicuous place where prescriptions are dispensed. The sign must state: "Dear Patients, you have the right to know about the proper use of your medication and its effects. If you need more information, please ask the pharmacist."

This section of the regulations also requires that a pharmacist or designee make a reasonable effort to obtain, record and maintain the date of birth or age and gender of a patient, his or her individual history including allergies, and a list of medications or relevant devices for that patient. According to the regulations, the pharmacist shall conduct a Drug Utilization Review which should check for over-utilization, therapeutic duplication, clinical abuse or misuse, allergies and interactions or significant change in the dose, drug or directions for use.

The Board of Registration in Pharmacy's Medication Error Study released today revealed that in 88 per cent of the cases, wrong drug or wrong strength were reported by the responding pharmacists to be the cause of medication errors, a problem that could be greatly reduced by effective counseling. Consumers report that they did not receive an offer from their pharmacists to counsel them regarding their prescribed medications and potentially harmful interactions with other prescription drugs or over-the-counter remedies.

June Gibbs Brown, Inspector General at the Department of Health and Human Services, reported in 1997 that adverse drug reactions associated with the misuse of prescription drugs was widespread, reducing the quality of care of millions of people and adding as much as \$100 billion a year to health care costs. She further indicated that state counseling laws have questionable effects. While state pharmacy boards have played an active role in explaining and urging pharmacists' compliance with state patient counseling laws, enforcement of counseling laws has been minimal.

In an attempt to learn more about how pharmacies in Massachusetts are complying with the Board's regulations regarding the offer to counsel, the Division of Registration launched an undercover investigation. The results of this investigation indicate that many pharmacists either do not make an offer to counsel patients or that the offer is inadequate.

## Investigative Summary

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In October 1998, William G. Wood, Director of the Division of Registration launched the investigation of Massachusetts pharmacies to determine their compliance with the Board of Registration in Pharmacy's mandatory counseling regulations and statutes, and to determine if registered pharmacists and pharmacies are following safe practice standards in dispensing prescription drugs to Massachusetts consumers.

On October 29, October 30 and December 1, 1998, investigators from the Division's Office of Investigations visited a total of 74 Massachusetts pharmacies and presented prescriptions for Nardil, an antidepressant drug, which if used in combination with certain foods or over-the-counter remedies could have harmful effects on the patient.

Investigators found that only 47 of these 74 pharmacies actually stocked the prescribed drug. Thirty of these 47 pharmacies, or 64 per cent, fell below the expected standard of care by failing to offer to counsel the patient or by giving inadequate or erroneous counseling.

The investigators checked the prescription dispensing area of the pharmacies for the presence of the mandated sign declaring the offer to counsel. They noted if the pharmacist, intern or technician questioned them about their date of birth, allergies and use of other medications. They further noted whether or not an offer to counsel was made and if it was, by whom and what type of information was included in the offer. The investigators recorded their findings and reported them to the Board of Registration in Pharmacy through the Division's Office of Investigations.

The thirty failing pharmacies are listed on the last page.

## Recommendations for Consumers

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- Each time a consumer receives a new prescription from his or her physician. *ask to speak to a pharmacist about the medication before accepting the filled prescription.* Many medications can produce side effects that may result in harm if taken with certain foods, liquids and other medications.
- Always take the medications as prescribed.
- Always finish the medication prescribed unless specifically advised not to by your doctor or pharmacist.
- Always question a pharmacist on refills of a prescribed medication when you notice a change in color or shape of the medication.
- Never transfer medication from one prescription container into another.
- Always store medication in an area with stable temperature and humidity - *never* in a bathroom.

CVS Pharmacy#1896  
486 pleasant Street  
Attleboro, MA 02703  
License# 2160, Current

Walgreens Pharmacy#3151  
320 Park Ave.  
Worcester, MA 01610  
License# 2470, Current

Brighton Apothecary  
280 Washington Street  
Brighton, MA 02135  
License# 1229, Current

CVS Pharmacy55  
1924 Beacon Street  
Brookline, MA 02146  
License# 21529, Current

CVS Pharmacy#2256  
2 Center plaza  
Boston, MA 02108  
LICENSE# 2790, Current

610 Tremont Drug Co.  
610 Tremont Street  
Boston, MA 02118  
LICENSE# 2808, Current

CVS Pharmacy#672  
36 Pleasant Street  
Malden, MA 02148  
License# 24513, Current

Oscor Drug#959  
299 Broadway  
Somerville, MA 02143  
License#1990, Current

Oscor Drug#904  
467 Salem Street  
Medford, MA 02155  
License# 1762, Current

Elmwood Pharmacy  
301 Pleasant Street  
Malden, MA 02148  
License# 9460, Current

Falmouth Prescription Center, Inc.  
295 Main Street  
Falmouth, MA 02540  
License# 2121, Current

CVS Pharmacy#1021  
Route 134, Patriot Square  
So. Dennis, MA 02660  
License# 1543, Current

CVS Pharmacy#1870  
415 East Falmouth highway  
East Falmouth, MA 02536  
License# 2070, Current

CVS Pharmacy#594  
105 Davis Straights  
Falmouth, MA 02540  
License# 2839, Current

Walgreens Pharmacy#3548  
225 Main Street  
Stoneham, MA 02180  
License# 2713, Current

CVS Pharmacy#301  
93 MAIN Street  
Stoneham., MA 02180  
License# 15968, Current

LetourneousPharmacy, Inc.  
349 N. Main Street  
Andover, MA 01810  
License# 2777, Current

Wells Drug, Inc.  
675 Main Street  
Woburn, MA 01801  
License# 1983, Current

Shore Pharmacy  
429 High Street  
Medford, MA 02155  
License#2621, Current

CVS Pharmacy#207  
1620 President Ave.  
Fall River, MA 02722  
License# 2864, Current

Brooks Pharmacy#333  
870 N. Main Street  
Fall River, MA 02720  
License# 2571, Current

Fall River Prescription Center  
178 New Bedford Road  
Fall River, MA 02720  
License# 22684, Current

CVS Pharmacy#610  
10 Sarah's Way  
Fairhaven, MA 02719  
License# 24018, Current

CVS Pharmacy#1012  
27-43 Main Street  
Watertown, MA 02172  
License# 1570, Current

Eaton Apothecary  
425 Center Street  
Newton, MA 02458  
License# 10855, Current

Heights Pharmacy & Medical Supply, Inc.  
882 Highland Ave  
Needham, MA 02194  
License# 10398, Current

CVS Pharmacy#1858  
1199-1201 Center Street  
Newton, MA 02159  
License# 2146, Current

Brooks Pharmacy#1203  
1324 Beacon Street  
Brookline, MA 02146  
License# 2374, Current

CVS Pharmacy#46  
999 Watertown Street  
West Newton, MA 02165  
License# 17594, Current

CVS Pharmacy#1010  
85 High Street  
Medford, MA 02155  
License# 1530, Current